

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Cr. No. 08-10335-JLT
)
HO DAM,)
 Defendant)

FINAL STATUS REPORT

Pursuant to Local Rule 116.5(b)-(c), the United States of America and the defendant, Ho Dam, by their undersigned attorneys, submit this joint status report in advance of the Final Status Conference scheduled for October 10, 2013. As discussed below, the parties request that the Court schedule a further Final Status Conference for a date convenient to the Court.

1-2. Status of automatic discovery, any pending discovery requests, and the timing of any additional discovery

Automatic discovery is complete, including material to be produced pursuant to Local Rule 116.2(2). The government does not anticipate providing additional discovery. There are no outstanding discovery requests from the defendant. The government has received no reciprocal discovery from the defendant.

3. The Timing of Additional Discovery Requests

No discovery requests from the defendant have been filed.

4. Protective orders

No protective orders are needed or requested at this time.

5. Pre-trial motions

The defendant does not anticipate filing any Rule 12 motions in this case.

6. Timing of Expert Witness Disclosures

The government has produced its expert disclosures. In the event that the government identified additional expert opinions, it will produce such no later than 30 days before trial; defendant's expert disclosures are due 15 days before trial (unless modified by the Court).

7. Defenses of insanity, public authority or alibi

The defendant does not intend to assert a defense of insanity, public authority, or alibi.

8. Speedy Trial Act Calculations

Through the date of the Final Status Conference, pursuant to Orders of Excludable Delay issued by the Court on June 11 and July 24, 2013, zero days have counted and 70 days remain to commence trial under the Speedy Trial Act.

9. Plea Negotiations / Whether trial is anticipated; Length of Trial

The parties have had preliminary discussions about resolving the case in advance of trial but the defendant is not prepared to proceed to a Rule 11 hearing at this time. The United States

estimates that, as the case is currently constituted, a trial would last two weeks.

10-11. Rule 11 / Pre-Trial Conference

The parties request that the case not be sent to the district judge at this time; instead, the parties request that the Court schedule a further Final Status Conference so that the defendant can complete his review of the discovery in this case, which is voluminous, and that the parties can continue plea negotiations.

12. Any Matters Specific to The Particular Case That Would Assist the District Court

None.

Respectfully submitted,
CARMEN M. ORTIZ
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Timothy E. Moran
Timothy E. Moran
Assistant U.S. Attorney

Date: October 9, 2013